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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,991	08/17/2001	Michael Wayne Brown	AUS920010776US1	4227
46242	7590	07/28/2005	EXAMINER	
IBM CORPORATION (JANIS E. CLEMENTS) C/O JANIS E. CLEMENTS 3601 MOON RIVER ROAD AUSTIN, TX 78746			ELAHEE, MD S	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/931,991

Applicant(s)

BROWN ET AL.

Examiner

Md S. Elahee

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is responsive to an amendment filed on 05/18/05. Claims 1-17 are pending.

### **Response to Arguments**

2. Applicant's arguments with respect to claims 1-17 have been fully considered but are moot in view of the new ground(s) of rejection which is deemed appropriate to address all of the needs at this time.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 4-10, 12, 13, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gisby (U.S. Patent No. 6,002,760) in view of Nabkel et al. (U.S. Patent No. 6,011,845).

Regarding claims 1, 8 and 10, Gisby teaches receiving an incoming telephone call from at least one caller (fig.3; col.4, lines 3-8, 59, 60).

Gisby further teaches placing the caller in a position of a queue [i.e., first position in the hold queue] (col.4, lines 59, 60, col.5, line 7). (Note: caller's initial position in a queue is referring caller's first position in the queue)

Gisby further teaches informing caller of estimated hold time and options for managing caller's hold position (col.5, lines 10-14, 21-23, col.6, lines 65-67, col.7, lines 1-5, 8-10).

Gisby further teaches responsive to a request from a caller, pausing the queue position to create a paused hold status wherein caller remains in position in the queue while caller can opt to move away from telephone while on hold without losing caller's position in the queue (col.4, lines 66, 67, col.5, lines 1-23, col.6, lines 65-67, col.7, lines 1-5). (Note: since, caller disconnects and does other activities while keeping his position in the queue it is inherent that a paused hold status is being created)

Gisby further teaches determining when the requested paused hold period has ended (col.7, lines 6-16).

Gisby further teaches placing the call back into the hold queue at paused position (col.4, lines 66, 67, col.5, lines 1-14, col.6, lines 65-67, col.7, lines 1-5).

However, Gisby does not specifically teach "requesting by the caller an amount of time for paused hold period". Nabkel teaches requesting by the caller an amount of time for paused hold period (fig.5; col.14, lines 53-62). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gisby to make a request by the caller an amount of time for paused hold period as taught by Nabkel. The motivation for the modification is to have doing so in order to provide a caller with option to make a selection of time slot so that he can perform other activities as desired without losing position in queue.

Regarding claims 4 and 12, Gisby teaches that the request comprises pausing the caller's position for a period of time (col.4, lines 66, 67, col.5, lines 1-14, col.6, lines 65-67, col.7, lines 1-10).

Regarding claim 5, Gisby teaches that crediting pause time to the caller based on the amount of time the caller has been in the hold queue (col.4, lines 66, 67, col.5, lines 1-14, col.6, lines 65-67, col.7, lines 1-10).

Regarding claim 6, Gisby teaches that the caller has been on hold for a period of time not less than the period of time requested (col.4, lines 66, 67, col.5, lines 1-14, col.6, lines 65-67, col.7, lines 1-10).

Regarding claim 7, Gisby teaches forwarding the call to an agent [i.e., attendant] when the representative is available (col.7, lines 6-18).

Regarding claim 9, Gisby teaches detecting that the caller is unavailable for connection to an attendant (col.4, lines 66, 67, col.5, lines 1-14, col.6, lines 65-67, col.7, lines 1-18). (Since, caller is disconnected from the queue for a certain period of time, the caller is inherently detected unavailable for a connection with an agent within the certain period of time)

Regarding claim 13 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Gisby teaches monitoring how long the caller has been on hold (col.4, lines 66, 67, col.5, lines 1-14, col.6, lines 65-67, col.7, lines 1-18). (Since, caller is disconnected from the queue for a certain period of time, the caller is inherently monitored for the certain period of time)

Gisby further teaches granting the request based on the amount of time the caller has been on hold (col.4, lines 66, 67, col.5, lines 1-14, col.6, lines 65-67, col.7, lines 1-18).

Regarding claim 16 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Gisby teaches a telephony switch 21 [i.e., communications device] for receiving a call (fig.1; col.4, lines 11, 12).

Regarding claim 17 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Gisby teaches inherently a recording medium (col.4, lines 13-17).

5. Claims 2, 3, 11, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gisby (U.S. Patent No. 6,002,760) in view of Nabkel et al. (U.S. Patent No. 6,011,845) further in view of Walker et al. (U.S. Patent No. 5,946,388).

Regarding claims 2 and 14, Gisby in view of Nabkel does not specifically teach “returning the caller to an on hold status to create a second position in the hold queue, wherein the second position in the hold queue is shorter than or equal to the first position in the hold queue”. Walker teaches returning the caller to an on hold status to create a second position in the hold queue, wherein the second position in the hold queue is shorter than or equal to the first position in the hold queue (fig.6-8; col.4, lines 54-65, col.5, lines 19-29). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gisby in view of Nabkel to return the caller to an on hold status to create a second position in the hold queue, wherein the second position in the hold queue is shorter than or equal to the first position in the hold queue as taught by Walker. The motivation for the modification is to have doing so in order to provide a caller with option to move his position down in queue so that he can get more time to do his desired activity.

Regarding claims 3 and 11, Gisby in view of Nabkel does not specifically teach “the request comprises changing the caller's position in the hold queue”. Walker teaches that the request comprises changing the caller's position in the hold queue (fig.6-8; col.4, lines 54-65, col.5, lines 14-23, 31-40). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gisby in view of Nabkel to incorporate the request

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comprising changing the caller's position in the hold queue as taught by Walker. The motivation for the modification is to have doing so in order to provide a caller with option to move his position up or down in queue so that he can utilize his idle time to perform other activities.

Regarding claim 15, Gisby in view of Nabkel does not specifically teach “decreasing the amount of time on hold in the second position if the party returns to an on hold status before the expiration of the requested pause time”. Walker teaches inherently decreasing the amount of time on hold in the second position if the party returns to an on hold status before the expiration of the requested pause time (fig.6-8; col.4, lines 54-65, col.5, lines 14-23). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gisby in view of Nabkel to decrease the amount of time on hold in the second position if the party returns to an on hold status before the expiration of the requested pause time as taught by Walker. The motivation for the modification is to have doing so in order to provide a caller an opportunity to establish a connection with an agent within a period of time shorter than expected waiting time in queue.

### *Conclusion*

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

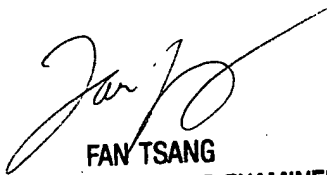
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S. Elahee whose telephone number is (571) 272-7536. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M.E.

MD SHAFIUL ALAM ELAHEE  
July 18, 2005

  
FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600